

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

APR 30 2010

JAMES N. HATTEN, CLERK  
By:  Deputy ClerkIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FEDERAL TRADE COMMISSION,	)	
Plaintiff,	)	
v.	)	
	)	1:04-CV-3294-CAP
NATIONAL UROLOGICAL GROUP, INC.,	)	
et al.,	)	
Defendants,	)	
and	)	
	)	
ARTHUR W. LEACH, ATTORNEY AT LAW,	)	
Garnishee.	)	

**APPLICATION FOR WRIT OF CONTINUING GARNISHMENT**

The Federal Trade Commission, an independent agency of the United States Government, hereby makes application pursuant to 28 U.S.C. § 3205(b)(1) to the Clerk of United States District Court to issue a Writ of Garnishment upon the Judgment entered against defendants National Urological Group, Inc., National Institute for Clinical Weight Loss, Inc., Hi-Tech Pharmaceuticals, Inc., Jared Wheat, Thomasz Holda, and Stephen Smith (hereinafter referred to as "the judgment debtors").

A judgment in the amount of for \$15,882,436.00 plus costs and post-judgment interest at the rate of .50% compounded annually, was entered against the judgment debtors, jointly and severally, on or about December 16, 2008. The balance on the judgment as of April 29, 2010 is \$14,659,404.94.

Demand for payment of the above-stated debt was made upon the judgment debtors not less than 30 days from the date of this application and the judgment debtors have failed to satisfy the debt. The Garnishee is believed to have in its possession, custody or control, money or property of the judgment debtors, and said property is a nonexempt interest of the judgment debtors.

The name and address of the Garnishee is:

Arthur W. Leach, Esq.  
Arthur W. Leach, Attorney at Law,  
5780 Windward Pkwy, Suite 225,  
Alpharetta GA 30005

Dated this 29<sup>th</sup> day of April 2010.

  
\_\_\_\_\_  
SYDNEY M. KNIGHT  
FEDERAL TRADE COMMISSION  
601 New Jersey Ave., NW,  
Rm NJ-3255  
Washington, D.C. 20580  
Tel.: (202) 326-2162  
Fax: (202) 326-3259  
Attorneys for the Plaintiff

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FEDERAL TRADE COMMISSION,	)	
Plaintiff,	)	
v.	)	
	)	1:04-CV-3294-CAP
NATIONAL UROLOGICAL GROUP, INC.,	)	
et al.,	)	
Defendants,	)	
and	)	
	)	
ARTHUR W. LEACH, ATTORNEY AT LAW,	)	
Garnishee.	)	
	)	

**WRIT OF CONTINUING GARNISHMENT**

TO: Arthur W. Leach, Esq.  
Arthur W. Leach, Attorney at Law,  
5780 Windward Pkwy, Suite 225,  
Alpharetta GA 30005

An application for a Writ of Garnishment against the property of National Urological Group, Inc., National Institute for Clinical Weight Loss, Inc., Hi-Tech Pharmaceuticals, Inc., Jared Wheat, Thomasz Holda, and Stephen Smith (hereinafter referred to as "the judgment debtors") has been filed with this Court.

1. A judgment has been entered against the above-named judgment debtors in the amount of \$15,882,436.00 plus interest at the rate of .50%

compounded annually with a balance of \$14,659,404.94 as of April 29, 2010.

2. You are hereby required to withhold and retain, pending further Order, any property or funds including, any new property of which you obtain custody control or possession while this Writ is in effect.

3. You are further required by law to answer in writing, under oath, within ten (10) days after receipt of the Writ, providing the following information: (1) Whether or not you have in your custody, control or possession, any property owned by or due to the judgment debtors, including non-exempt, disposable earnings; (2) A description of the property and the value of the property; (3) A description of any previous garnishment to which such property is subject and the extent to which any remaining property is not exempt; (4) The amount you are holding, owe, or anticipate owing to the judgment debtors.

4. You must, within ten (10) days of your receipt of this writ, file the original written answer to this writ with the United States District Clerk at: 2211 U.S. Courthouse, 75 Spring Street, S.W., Atlanta, GA 30303. Additionally, you are required by law to serve a copy of your answer upon the attorneys for the judgment debtors, and upon the Federal Trade Commission, 601 New Jersey Ave. N.W. , Washington D.C. 20580, Attn: Sydney M. Knight.

5. Under the law, there is property which may be exempt

from garnishment. Property which is exempt and which is not subject to this order is listed on the **Claim for Exemption** which is attached to the Clerk's Notice of Garnishment.

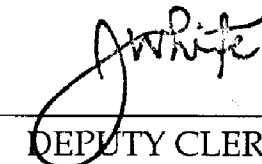
6. If you fail to answer this Writ or withhold property in accordance with this Writ, the United States of America may petition the Court for an order requiring you to appear before the Court.

7. If you fail to appear or do appear and fail to show good cause why you failed to comply with this Writ, the Court may enter a judgment against you for the value of the judgment debtors' non-exempt property. It is unlawful to pay or deliver to the judgment debtors any item attached by this Writ.

8. The Court may also award a reasonable attorney's fee to and against you if the Writ is not answered within the time specified and if the United States files a petition requiring you to appear

Date: 30 APR 2010

JAMES N. HATTEN  
CLERK, U. S. DISTRICT COURT

By   
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FEDERAL TRADE COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:04-CV-3294-CAP
	)	
NATIONAL UROLOGICAL GROUP, INC.,	)	
et al.,	)	
	)	
Defendants.	)	
	)	

**CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT AND  
INSTRUCTIONS TO DEFENDANTS-JUDGMENT DEBTORS**

You are hereby notified that certain properties, to wit: funds or property in the possession, custody or control of the garnishee including any and all accounts related to the Defendant are being taken by the Federal Trade Commission which has a court judgment in a civil case, Civil Action No. 1:04-cv-3294-CAP, the United District Court, Northern District of Georgia, in the sum of \$15,882,436.00. A balance of \$14,659,404.94. remains outstanding as of April 29, 2010.

In addition, you are hereby notified that there are exemptions under the law which may prevent some of the property from being taken by the Government if you can show that the exemptions apply. The attached "NOTICE TO DEFENDANT ON HOW TO CLAIM EXEMPTIONS" and "CLAIM FOR

EXEMPTION FORM” summarize the major exemptions.

You have a right to ask the Court to return your property to you if you think you do not owe the money to the Government that it claims you do, or that an exemption applies.

If you want a hearing, you must notify the Court within twenty (20) days after receipt of the notice. You must make your request in writing, and either mail it or deliver it in person to the Clerk of Court at 2211 U.S. Courthouse, 75 Spring Street, S.W., Atlanta, GA 30303. You must also send a copy of your request to Federal Trade Commission, 601 New Jersey Ave. N.W., Washington, D.C. 20580, Attn: Sydney M. Knight, so that the Federal Trade Commission will have knowledge that you are requesting a hearing.

If you wish, you may use the “REQUEST FOR HEARING FORM” and the “CLAIM FOR EXEMPTION FORM” to request the hearing by following the instructions contained in the “NOTICE TO DEFENDANT ON HOW TO CLAIM EXEMPTIONS.” The hearing will take place within five (5) days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you believe that the property the United States has taken is exempt or why you think you do not owe the money to the United States; however, please note that the issues at the

hearing will be limited: (1) To the probable validity of any claim for exemption; (2) To compliance with any statutory requirements for the issuance of the Writ of Continuing garnishment; and (3) If the judgment is by default and only to the extent that the constitution or any other law of the United States provides a right to a hearing on the issue, to: (a) The probable validity of the claim for the debt which is merged in the judgment; and (b) The existence of good cause for setting aside such judgment.

You may also request a hearing if you file a written objection within twenty (20) days from the date of the receipt of the Answer of the Garnishee. Any objection that you file to contest the Answer of the Garnishee must be filed with the Clerk of the United State District Court. The objection must state your reasons for believing that the funds or properties are not subject to a garnishment by the United States. The burden is on you to prove the grounds in support of your objection. A copy of the objection or other pleadings must also be served on Federal Trade Commission, 601 New Jersey Ave. N.W., Washington, D.C. 20580, Attention Sydney M. Knight. The Court will hold a hearing within (10) days after the date your objection is received by the court, or as soon thereafter as is practicable. The Court will notify you of the date, time and place of the hearing.

If you think you live outside the Federal judicial district which the Court is located, you may request, not later than twenty (20) days after you receive this

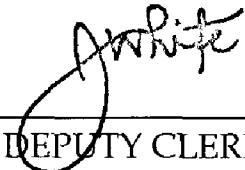


notice, that this proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of Court at 2211 U.S. Courthouse, 75 Spring Street, S.W., Atlanta, GA 30303. You must also send a copy of your request to Federal Trade Commission, 601 New Jersey Ave. N.W., Washington, D.C. 20580, Attn: Sydney M. Knight, so the Federal Trade Commission will have knowledge that you are requesting that the proceeding be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

Date: 30 APR 2010

JAMES N. HATTEN  
CLERK, U.S. DISTRICT COURT

By   
DEPUTY CLERK

Judgment-Debtor

Your Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

NATIONAL UROLOGICAL GROUP, INC.,  
et al.

Defendants.

1:04-CV-3294-CAP

**REQUEST FOR HEARING**

☐ I hereby request a court hearing. Notice of the hearing should be given to me by mail at:

(Address)

or telephonically at \_\_\_\_\_  
(Telephone Number)

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Judgment Debtor

\_\_\_\_\_  
Judgment Debtor's printed name

Reasons for seeking hearing: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FEDERAL TRADE COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:04-CV-3294-CAP
	)	
NATIONAL UROLOGICAL GROUP, INC.,	)	
et al.,	)	
	)	
Defendants.	)	
	)	

**NOTICE TO JUDGMENT DEBTOR ON  
HOW TO CLAIM EXEMPTIONS**

The attached pre-judgment or post-judgment process has been issued on request of the Federal Trade Commission, an agency of the United States Government.

The law provides that certain property and wages cannot be taken. Such property is said to be exempt. This Notice lists the applicable exemptions. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the "REQUEST FOR HEARING FORM" and the "CLAIM FOR EXEMPTION FORM" and (ii) deliver or mail the form to the Clerk of the United States District Court: 2211 U.S. Courthouse, 75 Spring Street, S.W., Atlanta, GA 30303 and to Federal Trade

Commission, 601 New Jersey Ave. N.W., Washington, D.C. 20580, Attn: Sydney M. Knight.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FEDERAL TRADE COMMISSION,	)	
Plaintiff,	)	
v.	)	
	)	1:04-CV-3294-CAP
NATIONAL UROLOGICAL GROUP, INC.,	)	
et al.,	)	
Defendants,	)	
and	)	
	)	
ARTHUR W. LEACH, ATTORNEY AT LAW,	)	
Garnishee.	)	
	)	

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from the levy which are checked below apply in this case:

- \_\_\_\_\_ 1. **Wearing apparel and school books.**  
- Such items of wearing apparel and such school books as are necessary for the debtor or for members of his/her family. ( 26 U. S .C . § 3664 (a) (1)).
- \_\_\_\_\_ 2. **Fuel, provisions, furniture, and personal effects.**  
- So much of the fuel, provisions , furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed \$6,250 in value. (26 U.S.C. § 3664 (a) (2)).
- \_\_\_\_\_ 3. **Books and tools of a trade, business, or profession.**  
- So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate \$3,125 in value. (26 U.S.C. § 3664 (a) (3)).

\_\_\_\_\_ 4. **Unemployment benefits.**

- Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico. (26 U. S.C. § 3664 (a) (4)).

\_\_\_\_\_ 5. **Undelivered mail.**

- Mail, addressed to any person, which has not been delivered to the addressee. (26 U.S.C. § 3664(a) (5)).

\_\_\_\_\_ 6. **Certain annuity and pension payments.**

- Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. § 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United states Code. (26 U.S.C. § 3664 (a) (6)).

\_\_\_\_\_ 7. **Workmen's Compensation.**

- Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico. (26 U.S.C. § 3664 (a) (7)).

\_\_\_\_\_ 8. **Judgments for support of minor children.**

- If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment. (26 U.S.C. § 3664 (a) (8)).

\_\_\_\_\_ 9. **Certain service-connected disability payments.**

- Any amount payable to an individual as a service connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under --(A) subchapter II, III,

IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32/ 34, 35 , 37 or 39 of such Title 38. (26 U.S.C. § 3664(a) (10)).

- \_\_\_\_\_ 10. **Assistance under Job Training Partnership Act.**  
- Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et. seq.) from funds appropriated pursuant to such Act. (26 U.S.C. § 3664 (a) (12)).
- \_\_\_\_\_ 11. **Minimum exemptions for wages, salary and other income.**  
- The exemptions under 26 U.S.C. § 6334 (a) (9) do not apply in criminal cases. The exception under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25% of his disposable earnings for that week, or (2) the amount by which his disposable earnings for the week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable whichever is less.

The statements made in this claim of exemptions and request for hearing are listed at fair market value of the property and I declare under penalty of perjury that they are true and correct.

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Defendant/s printed or typed name

\_\_\_\_\_  
Date

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FEDERAL TRADE COMMISSION,	)	
Plaintiff,	)	
v.	)	
	)	1:04-CV-3294-CAP
NATIONAL UROLOGICAL GROUP, INC.,	)	
et al.,	)	
Defendants,	)	
and	)	
	)	
ARTHUR W. LEACH, ATTORNEY AT LAW,	)	
Garnishee.	)	
	)	

TO: Arthur W. Leach, Esq.  
Arthur W. Leach, Attorney at Law,  
5780 Windward Pkwy, Suite 225,  
Alpharetta GA 30005

**INSTRUCTIONS TO THE GARNISHEE**

**PLEASE READ THESE INSTRUCTIONS CAREFULLY. THIS GARNISHMENT IS ISSUED PURSUANT TO FEDERAL LAW, AND MAY BE DIFFERENT FROM STATE GARNISHMENTS.**

Attached is a Writ of Garnishment instructing you to provide the following information, in writing, under oath, within ten (10) days of receipt of the writ:

- (1) Whether or not you have in your possession, custody or control any of the property or funds of the judgment debtor, including non-exempt, disposable earnings;
- (2) A description of such property and the value of the property;



- (3) A description of any previous garnishment to which such property is subject and the extent to which any remaining property is not exempt;

You are required by law to file the original written Answer to the Writ within ten (10) days of your receipt of the Writ with the Clerk of the United States District Court: 2211 U.S. Courthouse, 75 Spring Street, S.W., Atlanta, GA 30303. You may complete the attached form entitled "ANSWER OF THE GARNISHEE FORM" and use it as your written Answer to the Writ.

You must also serve a copy of your Answer on the attorneys for the judgment debtor, and upon Federal Trade Commission, 601 New Jersey Ave. N.W. , Washington D.C. 20580, Attn: Sydney M. Knight.

You are further required to withhold and retain any property or funds in which the judgment debtor has, or may in the future have a substantial non-exempt pending interest.

1. AMOUNT GARNISHED Any amount to the extent of judgment in the amount of \$15,882,436.00 plus costs and post-judgment interest at the rate of .50% compounded annually, since December 16, 2008, with an unpaid balance of \$14,659,404.94 as of April 29, 2010.
2. Mail remittances to: Federal Trade Commission,  
601 New Jersey Ave. N.W. ,  
Washington D.C. 20580.  
Attn: Sydney M. Knight

Your check or money order should be made payable to Federal Trade

Commission. Indicate on each remittance the name of the judgment-debtor, and the case number, 1:04-cv-3294-CAP, so that proper credit will be given.

3. THIS IS A CONTINUING GARNISHMENT. The garnishment can only be terminated by satisfaction of the full amount of the debt, a court order, or exhaustion of the property or funds held by you; however, this garnishment remains in effect as to any future funds that may be deposited with you or transferred to you on behalf of the defendant at any future date until payment of the full amount of the debt.

**IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE UNITED STATES MAY PETITION THE COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE WRIT AND TO SO WITHHOLD PROPERTY BEFORE THE APPEARANCE DATE.**

**IF YOU FAIL TO APPEAR, OR YOU APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY WITH THE WRIT, THE COURT WILL ENTER JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY**

**(INCLUDING NONEXEMPT DISPOSABLE EARNINGS).**

**ADDITIONALLY, YOU MAY BE HELD LIABLE FOR REASONABLE ATTORNEY FEES TO THE UNITED STATES OF AMERICA AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED HEREIN AND IF THE UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.**

If you have any additional questions, please call Sydney M. Knight, Attorney, Federal Trade Commission at telephone number 202-326-2162 or by mail to: Federal Trade Commission, 601 New Jersey Ave. N.W. Washington D.C. 20580, ATTN: Sydney M. Knight.

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FEDERAL TRADE COMMISSION,	)	
Plaintiff,	)	
v.	)	
	)	1:04-CV-3294-CAP
NATIONAL UROLOGICAL GROUP, INC.,	)	
et al.,	)	
Defendants,	)	
and	)	
	)	
ARTHUR W. LEACH, ATTORNEY AT LAW,	)	
Garnishee.	)	
	)	

**ANSWER OF THE GARNISHEE**

\_\_\_\_\_, BEING DULY SWORN DEPOSES AND SAYS:  
(Name of Person Answering)

[CHOOSE ONE AS APPLICABLE:]

☐ GARNISHEE IS AN INDIVIDUAL OR PARTNERSHIP:

That he/she is Garnishee herein doing business in the name of

\_\_\_\_\_.

☐ GARNISHEE IS A CORPORATION:

That he/she is the \_\_\_\_\_ (state official title)

of the Garnishee, a corporation organized under the laws of the State of

\_\_\_\_\_.

On the \_\_\_\_\_ day of \_\_\_\_\_, 2010, Garnishee was served with the Writ

of Continuing Garnishment.

- Yes No  
 1. — — The Garnishee has custody, control or possession of the  
 following property or funds in which the debtor maintains an  
 interest, as described below:

	Description of Property	Approximate Value	Description of Debtor's Interest of Property
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____

- Yes No  
 2. — — Have there been previous garnishments in effect? If the  
 answers is yes, describe below.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- Yes No  
 3. — — Garnishee anticipates owing to the judgment-debtor in the  
 future, the following property or funds:

	<u>Amount</u>	<u>Estimate date or Period Due</u>
(1)	\$_____	_____
(2)	\$_____	_____
(3)	\$_____	_____
(4)	\$_____	_____

(Check the applicable line below if you deny that you hold property subject to this order of garnishment.)

4.     \_\_\_     The Garnishee has the following objections, defenses, or set-offs to Plaintiff's right to apply Garnishee's indebtedness to Defendant: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5.     \_\_\_     The judgment debtors have account(s) at this institution. However, the account(s) currently contain no assets. The institution \_\_\_\_\_ will forward assets as they become available in the account(s).

6.     \_\_\_     The Garnishee is in no manner and upon no account indebted or under liability to the judgment debtors, National Urological Group,

Inc., National Institute for Clinical Weight Loss, Inc., Hi-Tech  
Pharmaceuticals, Inc., Jared Wheat, Thomasz Holda, and Stephen  
Smith and that the Garnishee does not have in his/her possession or  
control any property belonging to the Defendants, or in which the  
Garnishee has an interest; and is in no manner liable as Garnishee in  
this action for the following reasons(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Garnishee delivered or mailed the original of the Answer by first-class  
mail to the United States District Court: 2211 U.S. Courthouse, 75 Spring Street,  
S.W., Atlanta, GA 30303.

The Garnishee mailed a copy of this Answer by first-class mail to the  
attorneys for the judgment debtor.

The Garnishee delivered or mailed a copy of the Answer by first-class mail

to the Federal Trade Commission, 601 New Jersey Ave, N.W., Washington, D.C.  
20580, Attn: Sydney M. Knight.

---

Garnishee

Subscribed and sworn before  
me this \_\_\_\_ day of \_\_\_\_\_ 2010.  
Notary Public

(SEAL)  
My Commission expires: \_\_\_\_\_



**ATTACHMENT TO ANSWER OF GARNISHEE**

The Original Answer must be mailed to:

Clerk, United States District Court  
2211 U.S. Courthouse  
75 Spring Street, S.W.  
Atlanta, GA 30303

A check and a copy of this Answer must also be delivered to:

Federal Trade Commission,  
601 New Jersey Ave. N.W.  
Washington D.C. 20580  
Attn: Sydney M. Knight

A copy of this Answer must be sent to the Attorneys for the Defendant:

Edmund Novotny, Esq.  
Baker Donelson Bearman  
Caldwell & Berkowitz, P.C.  
3414 Peachtree Road NE  
Monarch Plaza, Suite 1600  
Atlanta, Georgia 30326

USM-285 is a 5-part form. Fill out the form and print 5 copies. Sign as needed and route as specified below.

U.S. Department of Justice  
United States Marshals Service**PROCESS RECEIPT AND RETURN**

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF <b>Federal Trade Commission</b>		COURT CASE NUMBER <b>1:04-cv-3294-CAP</b>	
DEFENDANT National Urological Group, Inc. Hi-Tech Pharmaceuticals, Inc. Jared Wheat, Stephen Smith, Thomasz Holda		TYPE OF PROCESS <b>Writ Of Continuing Garnishment</b>	
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
	<b>Arthur W. Leach, Attorney at Law, Attn: Art Leach</b>		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <b>5780 Windward Parkway, Suite 225 Alpharetta, Georgia 30005</b>		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW		Number of process to be served with this Form 285	<b>1</b>
<div style="border: 1px solid black; padding: 5px;"> <b>Federal Trade Commission</b>  <b>601 New Jersey Ave, NW</b>  <b>Washington, DC 20580</b> </div>		Number of parties to be served in this case	<b>3</b>
		Check for service on U.S.A.	

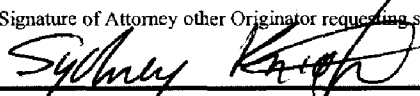
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Please serve Garnishee prior to serving defendant.  
Telephone number for Arthur W. Leach, Attorney at Law is 404-786-6443

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF☐ DEFENDANT

TELEPHONE NUMBER

202-326-2162

DATE

4/29/10

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process _____	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk _____	Date _____
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date	Time
	<input type="checkbox"/> am <input type="checkbox"/> pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
					<b>\$0.00</b>

REMARKS:

**PRINT 5 COPIES:**

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED